

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the claims

Claim 12 and withdrawn claim 13 are amended and claim 37 is added to recite specific embodiments. These amendments are supported throughout the application as filed.

After amending the claims as set forth above, claims 12-17 and 24-37 will be pending.

Claims 13-16 and 24-36 are withdrawn. Applicant concurrently petitions against the restriction between elected Group I and Group II (claim 13). Until that Petition is decided, Applicant understands that claims 12, 17, and 37 are under examination.

II. Claim rejection – 35 U.S.C. § 102(b)

Claims 12 and 17 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,370,863 to Barney *et al.*, or by U.S. Patent No. 5,604,263 to Tobe *et al.*, (“Barney” and “Tobe,” respectively). The Office Action asserts that Barney teaches administration of isohumulones via the oral cavity, and that Tobe teaches administration of isohumulones to mammals. (Office Action at page 3). Applicants respectfully traverse this ground for rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” and “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” (*See e.g.*, MPEP § 2131). The cited references fail to teach each aspect of the methods recited in claims 12, 17 and 37; thus, the claims are not anticipated.

Instant claim 12 recites “[a] method of lowering blood pressure, comprising administering to a mammal suffering from hypertension isohumulones, or a hop extract and/or an isomerized hop extract.” Neither Barney nor Tobe teach or suggest such a method. Barney teaches administering isohumulones to “inhibit undesirable Gram positive microorganisms in the oral cavity,” (Barney, col. 1, lines 6-10), while Tobe teaches

administering isohumulones to treat osteoporosis. (Tobe, col. 1, lines 5-6). Because neither Barney nor Tobe teach the administration of isohumulones to a mammal suffering from hypertension, as claimed, and neither provide any reason for doing so, the instant §102 rejections are improper and should be withdrawn.

III. Conclusion

It is believed that the application is in condition for allowance, and an early notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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